S.B.CRIMINAL MISC. PETITION NO.594/2007
(Roop Singh & Ors. Vs. State of Raj.)

Date of order : : 17.05.2007

HON'BLE MR. KRISHAN KUMAR ACHARYA, J.

Mr.K.K.Shah, for the petitioners.
Mr.Ashok Upadhyay, PP for the State.

This misc. petition under Section 482 Cr.P.C. has been filed by the petitioners for quashing of the FIR No 434/2002, Police Station Kotwali, Pali for offence under Sections 205, 465, 467 and 478 IPC.

I have heard learned counsel for the parties and perused the impugned FIR. In this misc. petition, learned counsel for the petitioner has taken objection regarding Section 195 and 340 Cr.P.C. It is stated by learned counsel for the petitioner that learned magistrate has committed illegality in lodging the FIR against the petitioners. Learned Magistrate has lodged an FIR and on this FIR, this case has been registered against the petitioners. Previously, the police after investigation filed FR in this case.

Thereafter, this matter was sent to FSL and after receiving the FSL report, the police is investigating the matter. Looking to all the facts and circumstances of the case, I do not find any good ground to interfere with the investigation.

The petitioners, if so wish, may appear before the Investigating Officer and put up their case. It is expected that Investigating Officer will investigate the matter taking into account the documents produced by the petitioner as per rule. However, the petitioners are free to raise all objections which have been raised in this misc.petition before the concerned court at the relevant stage.

With these observation, this misc. petition is disposed of.

(KRISHAN KUMAR ACHARYA), J.

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